

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

James B. Schrempp
Application No.: 10/072,238
Filed: February 5, 2002
For: METHOD AND APPARATUS FOR
CACHE PROMOTION

Examiner: Karen C. Tang

Art Unit: 2451

Confirmation No.: 5538

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

The undersigned attorney represents that the undersigned attorney is the attorney of record for the above-referenced patent application.

The assignee of the entire right, title, and interest in and to the above-referenced patent application is Audible Magic Corporation ("assignee"),
(Name of Assignee)

a California corporation having a place of business at
(State of Incorporation)

985 University Avenue #35, Los Gatos, CA 95032.
(Address)

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office via electronic filing through the United States Patent and Trademark Electronic Filing System on:

June 1, 2009

Date of Deposit

Betty Scaletta

Name of Person Mailing Correspondence

/Betty Scaletta/

Signature

06-01-2009

Date

The terminal part of any patent granted on the above-identified application that would extend beyond the expiration of the full statutory term of

_____ United States Patent No. _____, entitled

_____ and dated _____ as presently shortened
by any terminal disclaimer,

 X any patent granted on application number 09/999,763,
is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

_____ United States Patent No. _____,

 X any patent granted on application number 09/999,763,
this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors, or assigns.

No disclaimer is being made as to any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of

_____ United States Patent No. _____, as presently
shortened by any terminal disclaimer,

 X any patent granted on application number 09/999,763,
in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Authorization is hereby given to charge our Deposit Acct. No. 02-2666 in the amount of \$70.00 for the fee under 37 C.F.R. § 1.20(d). If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

By: /Benjamin A. Kimes/

Dated: June 1, 2009

Name: Benjamin A. Kimes

Reg. No.: 50,870

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(408) 720-8300